

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOMINGO VENEGAS RAMIREZ,

Defendant.

Case No. CR14-197-RAJ-9

ORDER

**I. INTRODUCTION**

This matter comes before the Court on Defendant Domingo Venegas Ramirez's Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). Dkt. #424. For the reasons that follow, the Court **DENIES** Defendant's motion.

**II. BACKGROUND**

On January 12, 2016, Defendant pled guilty to conspiring to distribute controlled substances in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846. Dkt. #333. At Defendant's sentencing hearing, his adjusted base offense level was 34 with a criminal history level of II. The applicable guideline calculation suggested a sentencing range of 168-210 months of imprisonment. Dkt. #338. On April 8, 2016, Defendant was sentenced to a term of 72 months' imprisonment followed by four years of supervised release. Dkt. #345. The Court imposed a sentence below the applicable sentencing range based on 18 U.S.C. § 3553(a) factors. Statement of Reasons Form at 1. Defendant now moves to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). Dkt. #424. Defendant

1 contends that he is entitled to a sentence reduction based on Amendment 782 to the  
2 United States Sentencing Guidelines (“USSG”).

### 3 **III. DISCUSSION**

4 On April 30, 2014, the Sentencing Commission promulgated Amendment 782,  
5 revising the Drug Quantity Table and chemical quality tables, which amended the  
6 guideline ranges for crimes involving narcotics. On July 18, 2014, the Sentencing  
7 Commission voted to make Amendment 782 retroactively applicable to previously  
8 sentenced prisoners, and the amendment became effective on November 1, 2014. Thus,  
9 under 18 U.S.C. § 3582(c)(2), previously sentenced prisoners may move to modify their  
10 sentences on the basis of the amendment. 18 U.S.C. § 3582(c)(2) allows for a defendant  
11 to move to reduce a term of imprisonment when that term is based on a sentencing range  
12 that has been subsequently lowered by the Sentencing Commission.

13 For a defendant to qualify for a sentence reduction under 18 U.S.C. § 3582(c)(2),  
14 two conditions are necessary: “(1) the defendant must have been sentenced to a term of  
15 imprisonment based on a sentencing range that has been lowered by a retroactively  
16 applicable Guidelines amendment; and (2) the sentence reduction sought must be  
17 consistent with the Sentencing Commission’s applicable policy statements.” *Zapata*, No.  
18 CR07-0343-JLR, 2016 WL 7336159, at \*1 (citing *United States v. Waters*, 771 F.3d 679,  
19 680 (9th Cir. 2014) (per curiam)). The Court lacks jurisdiction to reduce a defendant’s  
20 sentence if either of these conditions are not met. *United States v. Wesson*, 583 F.3d 728,  
21 730 (9th Cir. 2009). The Guidelines reinforce this restriction by specifying that the Court  
22 is precluded from reducing a sentence where a retroactive amendment does not lower the  
23 defendant’s sentencing range. USSG § 1B1.10 (a)(2)(B).

24 Defendant was sentenced on April 8, 2016, or almost one and one-half years after  
25 Amendment 782 went into effect. The 2015 Guidelines Manual, which incorporates all  
26 guidelines amendments, was used to determine Defendant’s offense level. Dkt. #338.  
27 Defendant was not sentenced to a term of imprisonment based on a sentencing range

1 retroactively lowered by a Guidelines amendment. Therefore, he does not qualify for a  
2 sentence reduction under 18 U.S.C. § 3582(c)(2).

3 **IV. CONCLUSION**

4 For the reasons stated above, the Court **DENIES** Defendant's Motion for  
5 Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2). Dkt. #424.

6  
7 DATED this 11th day of September, 2017.

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12 The Honorable Richard A. Jones  
13 United States District Judge  
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